

## Chapter 3. Physicians and Surgeons

### Subchapter A. General Provisions ' 301. Scope of Chapter

The rules of this chapter govern the licensing of physicians and surgeons to engage in the practice of medicine in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272 and R.S. 37:1274.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:908 (November 1984), amended LR 16:513 (June 1990).

#### ' 303. Definitions

A. As used in this chapter, the following terms shall have the meanings specified:

*Applicant*Ca person who has applied to the board for a license or permit to engage in the practice of medicine in the state of Louisiana.

*Application*Ca written request directed to and received by the board, upon forms supplied by the board, for a license or permit to practice medicine in the state of Louisiana, together with all information, certificates, documents, and other materials required by the board to be submitted with such forms.

*Chapter*Cthe lawful authority of a physician to engage in the practice of medicine in the state of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the board.

*Good Moral Character*Cas applied to an applicant, means that:

1. the applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:1285 for the suspension or revocation of medical licensure;

2. the applicant has not, prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and

3. the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the qualification for a license or permit required by this chapter.

*Medical Practice Act or the Act*CR.S. 37:1261-1292, as hereafter amended or supplemented.

*Permit*Cthe lawful authority of a physician to engage in the practice of medicine in the state of Louisiana for a designated, temporary period of time, subject to restrictions and conditions specified by the board, as evidenced by a certificate duly issued by and under the official seal of the board. A permit is of determinate, limited duration and implies no right or entitlement to a license or to renewal of the permit.

*Physician*Ca person possessing a doctor of medicine or an equivalent degree duly awarded by a medical educational institution approved by the board pursuant to ' ' 333 to 345 of this chapter.

*State*Cany state of the United States, the District of Columbia and Puerto Rico.

B. Masculine terms wheresoever used in this chapter shall also be deemed to include the feminine.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1270, R.S. 37:1271 and R.S. 37:1274.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:908 (November 1984), amended LR 16:513 (June 1990).

### Subchapter B. Graduates of American and Canadian Medical School and Colleges

#### ' 309. Scope of Subchapter

The rules of this subchapter govern the licensing of physicians and surgeons who are graduates of medical schools and colleges approved by the board located within any state or in Canada.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272, R.S. 37:1274 and R.S. 37:1275.1.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:908 (November 1984), amended LR 16:513 (June 1990).

#### ' 311. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. be at least 21 years of age;

2. be of good moral character as defined by ' 303.A.3;

3. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations

thereunder (8 CFR);

4. possess:

a. a doctor of medicine or equivalent degree duly issued and conferred by a medical school or college approved by the board; or

b. a doctor of osteopathy degree issued and conferred on or after June 1, 1971, by a school or college of osteopathy approved by the board;

5. have taken the Federation Licensing Examination (FLEX) of the Federation of State Medical Boards of the United States, Inc., within the prior 10 years, and achieved the minimum passing score prescribed by ' 385 of this chapter on all parts of such examination, or have taken and passed all parts of the examinations of the National Board of Medical Examiners (NBME), subject to the exception provided for certain applicants for licensure by reciprocity provided by ' 353.A; provided, however, that an applicant who has failed the FLEX or NBME examination or any component thereof more than three times shall not thereafter be eligible for licensure in Louisiana; and

6. with respect to applications for licensure first received by the board on and after January 1, 1992, have completed at least one year of postgraduate clinical training in a medical internship or equivalent program accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, or by the Royal College of Physicians and Surgeons (RCPS) of Canada, and approved by the board.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant of licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272, R.S. 37:1274 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:908 (November 1984), amended LR 16:513 (June 1990), LR 22:207 (March 1996), withdrawal LR 22:280 (April 1996).

' 313. Procedural Requirements

In addition to the substantive qualifications specified in ' 311, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by ' ' 359 to 365 of this chapter and, if applicable, the procedures and requirements for examination administered by the board provided by ' ' 371 to 391 of this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272, R.S. 37:1274 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:908 (November 1984), amended LR 16:514 (June 1990), LR 22:207 (March 1996), withdrawal LR 22:280 (April 1996).

' 315. Waiver of Qualifications

Upon request by an applicant, the board may, in its discretion, waive the qualifications for licensure otherwise required by ' 311.A.5 or 6, in favor of an applicant who has been formally appointed to a permanent and not time delimited tenured position as full professor or associate professor (but not as a clinical professor or clinical associate professor) by and with a medical school or college within the state of Louisiana approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272, R.S. 37:1274 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:908 (November 1984), amended LR 16:514 (June 1990).

Subchapter C. Graduates of Foreign Medical Schools

' 321. Scope of Subchapter; Definition

A. The rules of this subchapter specify additional qualification, requirements, and procedures for the licensing of physicians and surgeons who are foreign medical graduates.

B. As used in this subchapter, the term *foreign medical graduate* or *FMG* means a graduate of a medical school or college not located in any state or in Canada, recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 12:212 (April 1986), LR 12:528 (August 1986), LR 22:208 (March 1996), withdrawal LR 22:280 (April 1996).

' 323. Qualifications for License

A. To be eligible for a license, a foreign medical graduate applicant shall:

1. possess all of the substantive qualifications for license specified by ' 311 of this chapter;
2. have taken and successfully passed the examination administered by the Educational Council on Foreign Medical Graduates (ECFMG), or its successor examination;
3. be competent and proficient in speaking, understanding, reading, and writing the English language; and
4. have completed at least three years of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the ACGME of the American Medical Association, or by the RCPS of Canada, and approved by the board. To be approved by the board such program must be offered and taken in an institution offering not fewer than two residency or equivalent programs accredited by the ACGME or the RCPS; the program in which the applicant participates must evidence the applicant's progressive responsibility for patient care; and the three years of such a program must be in the same specialty or alternatively, constitute the FMG, upon completion of such three years program, as eligible for specialty board certification or for postgraduate year four (PGY-4) training.

B. In addition to the qualifications specified in ' 323.A, if an FMG applicant has participated in any clinical clerkship program within the United States as part of the academic training requisite to his doctor of medicine degree, such clinical clerkship program shall be subject to approval by the board as a condition of the applicant's eligibility for licensure. Such a clinical clerkship program may be approved by the board only if, at the time the applicant participated in such program, the clinical clerkship program was accredited or approved by the ACGME, the clinical clerkship was served in a hospital or other institution accredited by the Joint Commission on Accreditation of Health Care Organizations, and the applicant's supervising physician within such program held formal appointment as a professor or associate professor of the medical school or college sponsoring such program; provided, however, that notwithstanding a clinical clerkship program's satisfaction of these standards, the board may decline to approve any such program upon a finding that it was not substantially equivalent to the clinical clerkships offered by the medical school and colleges accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges.

C. The burden of satisfying the board as to the qualifications and eligibility of the FMG applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 12:213 (April 1986), LR 12:528 (August 1986), LR 16:514 (June 1990), LR 22:208 (March 1996), withdrawal LR 22:280 (April 1996).

' 325. Procedural Requirements

In addition to the substantive qualifications specified in ' 323, to be eligible for a license, an FMG applicant shall satisfy the procedures and requirements for application provided by ' ' 359 to 365 of this chapter; if applicable, the procedures and requirements for examination administered by the board provided in ' ' 371 to 391 of this chapter; and shall provide notarized verification of his medical school transcript, reflecting the courses and hours taken and grades achieved together with a detailed description of each clinical clerkship in which the applicant may have participated as part of his medical education, specifying the inclusive dates and sites of any such clerkship and the name and address of the applicant's supervising physician therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 16:514 (June 1990), LR 22:208 (March 1996), withdrawal LR 22:280 (April 1996).

' 326. Alternative Qualification [Transitional Rule]

A. A foreign medical graduate who possesses and meets all of the qualifications and requirements specified by ' ' 323 to 325 of this chapter, save for having successfully completed postgraduate clinical training of the duration and type otherwise required by ' 323.A.4, shall nonetheless be eligible for licensing, upon application, if, for a period of not less than 48 consecutive months, he has been actively engaged in the practice of medicine in the state of Louisiana under authority of an Institutional Temporary Permit previously issued by the board pursuant to R.S. 37:1275, and his professional performance in exercising privileges under such permit is determined by the board to have been satisfactory relative to the physician's cognitive and clinical competence.

B. In considering an application made pursuant to this section, the board may make such inquiry and require the applicant to submit, or cause to be submitted, such documentation as the board deems necessary or appropriate to provide a reasonable basis for determining whether the applicant's professional performance while holding an

institutional temporary permit has been satisfactory and whether, at the time of the application, the applicant is capable of practicing medicine with reasonable competence, skill, and safety to patients. Without limitation on such authority, as a condition to consideration of an application made pursuant to this section, the board may require an applicant to authorize and cause to be submitted to the board, in writing, an evaluation of the applicant's medical competence and professional performance while holding an Institutional Temporary Permit by:

a. the physician serving as chief of staff (or equivalent position) at the time application of licensure is made hereunder; and

b. the physician(s) serving as the applicant's immediate medical supervisor(s), responsible for his professional performance, at the time application for licensure is made hereunder and for the preceding two years.

Each such written evaluation shall include a description of the nature and scope of the applicant's clinical practice at the subject institution, the author's general evaluation of the applicant's professional performance at such institution, advice as to whether the applicant has been the subject of employment or professional complaint or disciplinary action while at such institution (including the nature and result of any such complaint or action), and the author's opinion as to whether the applicant is currently capable of practicing medicine with reasonable skills and safety to patients pursuant to unrestricted medical licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(b)(1), (6), R.S. 37:1272 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 15:272 (April 1989), amended LR 16:515 (June 1990), repealed LR 22:208 (March 1996), withdrawal LR 22:280 (April 1996).

' 327. Waiver of Qualifications

A. The waiver of qualifications provided by ' 315 of this chapter shall be available to foreign medical graduate applicants.

B. Upon request by an applicant, the board may, in its discretion, waive the necessity of successfully passing the ECFMG examination, as otherwise required by ' 323.A.2, in favor of an applicant who is currently certified by a specialty board recognized by the American Board of Medical Specialties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 16:515 (June 1990), LR 22:208 (March 1996), withdrawal LR 22:280 (April 1996). Subchapter D. Board Approval of Medical Schools and Colleges

' 333. Scope of Subchapter

The rules of this subchapter provide the method and procedures by which medical schools and colleges and schools or colleges of osteopathy are approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 16:515 (June 1990).

' 335. Applicability of Approval

Graduation from an approved school is among the qualifications requisite to medical licensure as provided by ' 311.A.4 (American and Canadian graduates), ' 323.A.1 (foreign medical graduates), and ' 353.A (reciprocity applicants). This qualification will be deemed to be satisfied if the school or college from which the applicant graduated was approved by the board as of the date the applicant's degree was issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1272.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 16:515 (June 1990), LR 22:208 (March 1996), withdrawal LR 22:280 (April 1996).

' 337. Approval of American Schools and Colleges

A. A medical school or college located in any state which is currently accredited by the Liaison Committee on Medical Education of the American Association and the Association of American Medical Colleges (LCME/AAMC), or their successors, shall be concurrently considered approved by the board.

B. A school or college of osteopathy located in any state which is currently accredited by the American Osteopathic Association, or its successor, shall be concurrently considered approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 16:516 (June 1990).

' 339. Approval of Canadian Schools

A medical school or college located in Canada which is currently accredited by the RCPS of Canada, or its successor, shall be concurrently considered approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 16:516 (June 1990).

' 341. Recognition of Foreign Medical Schools

To be considered acceptable as evidence of basic medical education, a medical school or college not located in any state or in Canada shall, at a minimum, be recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:909 (November 1984), amended LR 12:528 (August 1986), LR 16:516 (June 1990).

' 343. [Rescinded]

' 345. List of Approved Schools

A listing of approved schools and colleges of medicine and osteopathy is set forth in an appendix to this chapter and shall from time to time be amended and supplemented by the board consistently with the provisions of this subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 16:516 (June 1990).

Subchapter E. Licensure by Reciprocity

' 351. Definition

*Licensure by Reciprocity* the issuance of a license to practice medicine on the basis of medical licensure by another state medical licensing authority pursuant to written examination acceptable to the board as specified by ' 353.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1276.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:910 (November 1984), LR 16:516 (June 1990).

' 353. Qualifications for Licensure by Reciprocity

A. An applicant who possesses and meets all of the qualifications and requirements specified by ' 311 to 313 of this chapter, save for successfully passing the FLEX or NBME examination within the prior 10 years, as otherwise required by ' 311.A.5, shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the board passes upon such application, a current, unrestricted license to practice medicine issued by the medical licensing authority of another state, and the applicant has, within 10 years prior to the date of application, taken and successfully passed:

1. a medical licensing examination developed and administered by the licensing authority of a state in which they hold an unrestricted license to practice medicine; or

2. a written certification or recertification examination administered and leading to certification or recertification by a specialty board recognized by the American Board of Medical Specialties.

B. An applicant who possesses all of the qualifications for licensure by reciprocity specified by ' 353.A, save for having taken and passed a written medical competence examination within 10 years of the date of application, shall nonetheless be considered eligible for licensure by reciprocity if such applicant takes and successfully passes the FLEX or the Special Purpose Examination (SPEX) of the Federation of State Medical Boards of the United States, Inc., as may be determined and as administered by and under the auspices of the board.

C. An osteopathic physician qualified for medical licensure under ' 311.A.4.b shall be eligible for medical licensure by reciprocity only if he holds a medical license issued by the medical licensing authority of another state on the basis of successful FLEX or NBME examination and is otherwise qualified for licensure by reciprocity under this section. For purposes of medical licensure by reciprocity or otherwise, the examination of the National Board of Osteopathic Examiners does not qualify as a written medical competence examination acceptable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1276.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 14:149 (March 1988), LR 16:516 (June 1990), LR 22:209 (March 1996), withdrawal LR 22:280 (April 1996).

## Subchapter F. Application

### ' 359. Purpose and Scope

The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensing as a physician in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1278.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 16:516 (June 1990).

### ' 361. Application Procedure

A. Application for unrestricted licensing shall be made upon forms supplied by the board.

B. If application is made for licensing on the basis of examination to be administered by the board, an initial application must be received by the board on or before March 31 if the applicant desires to sit for the June administration of the FLEX, on or before August 31 if the applicant desires to sit for the December administration of the FLEX (see Subchapter G of this chapter respecting dates and places of examination). Completed applications must be received by the board on or before April 30 or October 31, respectively, in order for an applicant to be eligible to sit for the June or December administration of the FLEX.

C. Application for licensing by reciprocity under Subchapter E may be made at any time.

D. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the board, Suite 100, 830 Union Street, New Orleans, LA, 70112. Application forms will be mailed by the board within 30 days of the board's receipt of request therefor. To ensure timely filing and completion of application, forms must be requested not later than 40 days prior to the deadlines for initial application specified in the preceding subsection.

E. An application for licensing under this chapter shall include:

1. proof, documented in a form satisfactory to the board as specified by the secretary, that the applicant possesses the qualifications set forth in this chapter;
2. three recent photographs of the applicant; and
3. such other information and documentation as the board may require to evidence qualification for licensing.

F. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

G. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

H. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 1 of these rules.

I. Upon submission of or concurrently with submission of a completed application, an applicant shall, by appointment, make a personal appearance before the board, a member of the board, or its designee, as a condition to the board's consideration of such application. At the time of such appearance, the applicant shall present the original of the documents required under this chapter. The recommendation of the board, board member, or designee as to the applicant's fitness for licensure shall be made a part of the applicant's file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1278.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 16:516 (June 1990), LR 22:209 (March 1996), withdrawal LR 22:280 (April 1996).

### ' 363. Additional Requirements for Foreign Medical Graduates

A. Any diploma or other document required to be submitted to the board by an FMG applicant which is not in the English language must be accompanied by a certified translation thereof into English.

B. In addition to the procedures and requirements set forth in ' 361, upon submission of a completed application, an FMG applicant shall, by appointment, make a personal appearance before a member of the board as a condition to the board's consideration of such application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1278.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 16:517 (June 1990), LR 22:210 (March 1996), withdrawal LR 22:280 (April 1996).

' 365. Effect of Application

A. The submission of an application for licensing to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for any license, permit certificate, or registration, each person, firm, corporation, clinic, office, or institution by whom or with whom the applicant has been employed in the practice of medicine, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensing to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board and to waive all objections as to the admissibility or disclosure of findings, reports, or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to ' 365.A or B to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefor, including, without limitation, the medical licensing authority of any state; the Federation of State Medical Boards of the United States; the American Medical Association and any component state and county or parish medical society, including the Louisiana State Medical Society and component parish societies thereof; the Federal Drug Enforcement Agency; the Louisiana Office of Narcotics and Dangerous Drugs, Division of Licensing and Registration, Department of Health and Hospitals; federal, state, county or parish, and municipal health and law enforcement agencies and the Armed Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1278.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:911 (November 1984), amended LR 16:517 (June 1990).

Subchapter G. Examination

' 371. Designation of Examination

The examination administered by the board pursuant to R.S. 37:1272(5) is the FLEX of the Federation of State Medical Boards of the United States, Inc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:911 (November 1984), amended LR 16:518 (June 1990), LR 22:210 (March 1996), withdrawal LR 22:280 (April 1996).

' 373. Eligibility for Examination

To be eligible for examination by the board, an applicant shall possess all qualifications for licensure prescribed by ' 311.A; provided, however, that an applicant who has completed, or prior to examination will complete, his medical or osteopathic education but who does not yet possess a degree as required by ' 311.A.4, shall be deemed eligible for examination upon submission to the board of a letter subscribed by the dean of an approved medical school or college or of an approved school or college of osteopathy, certifying that the applicant is in his last semester or term of, or has completed, his academic medical or osteopathic education at such school or college, that the applicant is a candidate for the degree of doctor of medicine or doctor of osteopathy at the next scheduled convocation of such school or college, and specifying the date on which such degree will be awarded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:911 (November 1984), amended LR 16:518 (June 1990), amended LR 22:210 (March 1996), withdrawal LR 22:280 (April 1996).

' 375. Dates, Places of Examination

The board's licensing examination is administered semiannually, in June and December, in the city of New Orleans and annually in June in the city of Shreveport. Applicants shall be advised of the specific dates, times, and

locations of the next scheduled FLEX examination upon application to the board and may obtain such information upon inquiry to the office of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:911 (November 1984), amended LR 16:518 (June 1990), LR 22:210 (March 1996), withdrawal LR 22:280 (April 1996).

' 377. Administration of Examination

A. The board's licensing examination is administered by a chief proctor, appointed by the board, and several assistant proctors. The chief proctor is authorized and directed by the board to obtain positive photographic identification from all applicants appearing and properly registered for the examination, to establish and require examinees to observe an appropriate seating arrangement, to provide appropriate instructions for taking the examination, to fix and signal the time for beginning and ending the several sections of the examination, to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees or the examination process, and to take all necessary and appropriate actions to secure the integrity of the examination and the examination process, including, without limitation, excusing an applicant from the examination or changing an applicant's seating location at any time during the examination.

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic and other identification in the form prescribed by the board; and
2. fully and promptly comply with any and all rules, procedures, instructions, directions, or requests made or prescribed by the chief proctor or any assistant proctor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 31:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:518 (June 1990), LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996).

' 379. Subversion of Examination Process

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in ' 385 of this chapter.

B. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions, or requests made or prescribed by the chief proctor or an assistant proctor;
2. removing from the examination room or rooms any of the examination materials;
3. reproducing or reconstructing, by copy, duplication, written notes, or electronic recording, any portion of the licensing examination;
4. selling, distributing, buying, receiving, obtaining, or having unauthorized possession of future, current, or previously administered licensing examination;
5. communicating in any manner with any other examinee or any other person during the administration of the examination;
6. copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;
7. having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed, or recorded materials or data of any kind;
8. impersonating an examinee by appearing for and as an applicant and taking the examination for, as and in the name of an applicant other than himself;
9. permitting another person to appear for and take the examination on one's behalf and in one's name; or
10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:518 (June 1990), LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996).

' 381. Finding of Subversion

A. When, during the administration of examination, the chief proctor or any assistant proctor has reasonable cause to believe that an applicant-examinee is engaging or attempting to engage, or has engaged or attempted to engage, in conduct which subverts or undermines the integrity of the examination process, the chief proctor shall take such action as he deems necessary or appropriate to terminate such conduct and shall report such conduct in



writing to the board.

B. In the event of suspected conduct described by ' 379.B.5 or ' 379.B.6, the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee, or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by ' 383 of this subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the board governing administrative hearings. Unless waived by the applicant, the board's finding of fact, its conclusions of law under these rules, and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:518 (June 1990), LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996).

' 383. Sanctions for Subversion of Examination

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for medical licensure in the state of Louisiana.

B. An applicant-examinee who is found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed the examination. Such failure shall be recorded in the official records of the board.

C. In addition to the sanctions permitted or mandated by ' 383.A or B, as to an applicant-examinee found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examining process, the board may:

1. revoke, suspend, or impose probationary conditions on any license or permit issued to such applicant;
2. disqualify the applicant, permanently or for a specified period of time, from eligibility for licensure in the state of Louisiana; or
3. disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:519 (June 1990), LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996).

' 385. Passing Scores

A. An applicant will be deemed to have successfully passed the FLEX examination if he attains a score of at least 75 in each component of the examination, or having taken the FLEX when a weighted average was calculated and reported thereon, had attained a FLEX weighted average of at least 75.

B. A person who is required to and does take the SPEX examination will be deemed to have successfully passed the examination if he attains a score of at least 75.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:510 (June 1990), amended LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996).

' 387. Restriction, Limitation on Examinations

A. A passing score must be attained by an applicant upon completion of all sections of the FLEX or NBME examination. A candidate may, however, at his election take all or any component of the FLEX at any one sitting.

B. An applicant having failed to attain a passing score upon taking FLEX or any component of the FLEX during any three sittings for the examination, whether one or both components of the examination are taken, shall not be considered for licensing and shall not be eligible to take the examination again until the applicant has satisfactorily completed at least six months of additional supervised postdoctoral academic medical training approved by the board. Thereafter, upon failing to attain a passing score upon taking the FLEX or any component thereof one additional time, an applicant shall be deemed ineligible for licensing. Similarly, upon failing to attain a passing score

upon taking the NBME examination four or more times, an applicant shall be deemed ineligible for licensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:519 (June 1990).

' 389. Examination In or For Another State

A. Upon application to the board, an applicant for licensing under this chapter may be permitted to take the FLEX in another state. The score attained by such applicant on such examination will be accepted by the board as if the applicant had taken the FLEX as administered by the board provided that the examination is administered and taken consistently with the restrictions and limitations prescribed by ' 387 of this subchapter.

B. A FLEX score attained by an applicant in a FLEX examination administered prior to the applicant's application to the board for licensing will be accepted by the board, provided that:

1. the applicant presents or causes to be presented to the board written certification of the date and place that the FLEX was taken and the score achieved;

2. the examination was administered and taken consistently with the rules, regulations, restrictions, and limitations prescribed by ' 387 of this subchapter and by the medical licensing authority of the state for which the examination was taken;

3. the applicant has completed at least one year of postgraduate training, if such training is a condition to medical licensure in the state in which the examination was taken; and

4. the applicant provides the board with a satisfactory written explanation of the applicant's failure to obtain licensing in the state in which the examination was taken.

C. Upon application to the board and payment of the fee prescribed in Chapter 1 of these rules, an individual applying for licensure in another state may sit for the FLEX examination administered by the board in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:519 (June 1990).

' 391. Lost, Stolen, or Destroyed Examinations

The submission of an application for examination by the board shall constitute and operate as an acknowledgment and agreement by the applicant that the liability of the board, its members, employees, and agents, and the state of Louisiana to the applicant for the loss, theft, or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of the score thereon by the NBME, other than by intentional act, shall be limited exclusively to the refund of the fees paid for examination by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:912 (November 1984), amended LR 16:520 (June 1990).

Subchapter H. Restricted Licensure, Permits

' 397. Restricted Licensure in General

A. With respect to applicants who do not meet or possess all of the qualifications and requirements for licensing, the board may, in its discretion, issue such restricted licenses as are, in its judgment, necessary or appropriate to its responsibilities under law. Restricted licenses shall be designated and known as permits.

B. A temporary permit entitles the holder to engage in the practice of medicine in the state of Louisiana only for the period of time specified by such permit and creates no right or entitlement to licensing or renewal of the permit after its expiration.

C. An institutional permit entitles the holder to engage in the practice of medicine only at, in and in association with the medical institution, clinic, or location specified by such permit or within a specified medical training program.

D. A permit issued by the board may be either temporary or institutional, or both. Other permits may be issued by the board upon such terms, conditions, limitations, or restrictions as to time, place, nature, and scope of practice, as are, in the judgment of the board, deemed necessary or appropriate to the particular circumstances of individual applicants or physicians.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1285 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:913 (November 1984), amended LR 16:520 (June 1990).

' 399. Types of Permits

The types of permits which the board may consider issuing, as enumerated in the following sections of this

subchapter, shall not be construed to provide any right or entitlement whatsoever to the described permit, issuance of which shall be determined in the absolute discretion of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1285 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:913 (November 1984), amended LR 16:520 (June 1990).

' 401. Provisional Temporary Permit Pending Application for Visa

A. The board may issue a provisional temporary permit to an applicant for any license or permit provided for by these rules who is otherwise completely qualified for such license or permit, save for possessing an H-1 or equivalent visa as may be required by these rules, provided that the applicant has completed all applicable requirements and procedures for issuance of a license or permit and is eligible for an H-1 or equivalent visa under rules and regulations promulgated by the United States Immigration and Naturalization Service (INS).

B. A provisional temporary permit issued under this section shall be of the same type and scope, and subject to the same terms and restrictions, as the license or permit applied for, provided, however, that a provisional temporary permit issued under this section shall expire, and become null and void, on the earlier of:

1. 90 days from the date of issuance of such permit;
2. 10 days following the date on which the applicant receives notice of INS action granting or denying the applicant's petition for an H-1 or equivalent visa; or
3. the date on which the board gives notice to the applicant of its final action granting or denying issuance of the license or permit applied for.

C. The board may, in its discretion, extend or renew, for one or more additional 90-day periods, a provisional temporary permit issued hereunder which has expired pursuant to ' 401.B.1, in favor of an applicant who holds a provisional temporary permit issued under this section and who has filed a petition for H-1 or equivalent visa with the INS, but whose pending petition has not yet been acted on by the INS within 90 days from issuance of such provisional temporary permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1101 (November 1991).

' 403. Visiting Physician Permits

A. The board may issue a visiting physician temporary permit to an applicant physician or surgeon who is invited by one or more physicians licensed under this chapter to participate or consult in diagnosis or treatment of a patient under care in a Louisiana medical institution, provided that such invited physician:

1. possesses the qualifications for licensing prescribed by ' 311.A.1-4;
2. within a reasonable time prior to the intended consultation or treatment, presents or causes to be presented to the board:
  - a. indisputable personal identification;
  - b. verification satisfactory to the board that the applicant holds a current unrestricted license to practice medicine issued by the medical licensing authority of another state or, if an alien, holds an unrestricted license or other legal authorization to engage in the practice of medicine in his domicile country; and
  - c. written recommendations by two physicians licensed under this chapter attesting to the professional qualifications of the visiting physician and assuming responsibility for his professional activities and patient care; and
3. satisfies the application and processing fee prescribed in Chapter 1 of these rules.

B. The board may issue a visiting professor temporary permit to an applicant physician or surgeon who is invited by an accredited medical school or college within the state of Louisiana approved by the board to serve on the faculty of the school or college, provided that such invited professor:

1. possesses the qualifications for licensing prescribed by ' 311.A.1-4;
2. presents or causes to be presented to the board:
  - a. indisputable personal identification;
  - b. a completed application on forms furnished by the board; and
  - c. verification satisfactory to the board that the applicant holds a current unrestricted license to practice medicine issued by the medical licensing authority of another state; and
3. satisfies the application and processing fee prescribed in Chapter 1 of these rules.

C. The board may issue a foreign exchange visiting professor temporary permit to an applicant physician or

surgeon who is invited by an accredited medical school or college within the state of Louisiana approved by the board to participate in an exchange of faculty between the applicant's medical school or college and the Louisiana medical school or college, provided that such invited foreign exchange professor:

1. possesses the qualifications for licensing prescribed by ' 311.A.1-4;
2. presents or causes to be presented to the board:
  - a. indisputable personal identification;
  - b. an H-1 or equivalent visa;
  - c. a completed application on forms furnished by the board; and
  - d. verification satisfactory to the board that the applicant holds a current unrestricted license to engage in the practice of medicine in his domicile country; and
3. satisfies the application and processing fee prescribed in Chapter 1 of these rules.

D. A temporary permit issued under ' 403.A may be restricted by the board to permit a specific act in consultation and/or to restrict consultation or treatment to a designated patient. Temporary permits issued under ' 403.B and C are limited to a term of 12 months from the date of issuance.

E. A temporary permit issued under this section shall expire, and thereby become null, void, and to no effect on the date specified by such permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1285 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:913 (November 1984), amended LR 16:520 (June 1990).

' 405. Short-Term Residency Permit

A. The board may issue an institutional temporary permit to an applicant who is a commissioned physician of the Armed Services of the United States for the purpose of receiving a postgraduate clinical training in a medical program approved by the board and conducted by a Louisiana medical school or college, provided that such physician:

1. possesses the qualifications for licensing prescribed by ' 311.A.1-4;
2. possesses a current unrestricted license to practice medicine in, and duly issued by the medical licensing authority of any state, or has successfully passed either the FLEX examination or the examination of the NBME;
3. will participate in such postdoctoral medical training program pursuant to and within the course and scope of his orders and duties as a commissioned officer of the Armed Services;
4. within a reasonable time prior to the commencement of such training program, presents or causes to be presented to the board:
  - a. satisfactory documentation that he possesses the qualifications required by this section, including a certified copy of his military orders authorizing and directing his participation in the specified medical training program; and
  - b. written certification by the dean of the medical school or college in which the applicant is to receive such training that the applicant has been accepted for participation in such program subject to the issuance of a permit by the board; and
5. satisfies the application and processing fees prescribed in Chapter 1 of these rules.

B. The board may, in its discretion, issue a temporary permit for the purpose of serving a preceptorship or participating in a short-term residency program to an applicant who possesses the qualifications for licensure prescribed by ' 311.A.1-4 and who possesses a current unrestricted license to practice medicine in, and duly issued by, any state; provided that:

1. the preceptorship or residency program is approved by the board;
2. the applicant presents, or causes to be presented, to the board:
  - a. a completed application for a short-term residency permit upon the form provided by the board, together with the fee prescribed by Chapter 1 of these rules;
  - b. satisfactory documentation that the applicant possesses the qualifications required by this section;
  - c. written certification of current unrestricted licensure by the state in which the applicant resides at the time of the application; and
  - d. a letter from the physician under whom he will be serving the preceptorship or short-term residency, describing the capacity in which the applicant will be serving and the inclusive dates of such service; and

3. the applicant appears in person before and presents to a member of the board his original doctor of medicine degree and original certificate of state medical licensure.

C. The holder of a permit issued under this section shall not engage in the practice of medicine in any respect in the state of Louisiana or receive medical educational training other than within the postdoctoral medical educational program, preceptorship, or short-term residency program for which he is approved by the board.

D. A temporary permit issued under this section shall expire, and thereby become null and void and to no effect on the date specified by such permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1285 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:913 (November 1984), amended LR 16:521 (June 1990), LR 22: 211 (March 1996), withdrawal LR 22:280 (April 1996).

' 407. Permit Pending Examination Results

A. The board may issue an institutional temporary permit for the sole purpose of serving in an approved medical residency training program to a graduate of an American or Canadian medical school or college or school of osteopathic medicine who has taken the FLEX but whose scores have not yet been reported to the board or who is scheduled to take the FLEX at its next administration, to be effective pending the reporting of such scores to the board, provided that the applicant possesses and meets all of the qualifications and requirements for licensure provided by this chapter save for having successfully passed the FLEX and NBME examination ( ' 311.A.5), and provided further that the applicant has not previously taken and failed to achieve a passing score on the FLEX or NBME examination, any component thereof, or any written examination administered by the licensing authority of any state.

B. The board may issue a temporary permit to an applicant for licensure by reciprocity ( ' ' 351 to 353) who is required by ' 353.B to take the FLEX or the SPEX, but who has not yet taken such portion of the FLEX or the SPEX or whose scores have not yet been reported to the board, provided that the applicant possesses and meets all of the qualifications and requirements for licensure provided by this chapter save for having successfully passed the FLEX or the SPEX ( ' 353.B), and provided further that the applicant has registered for the next available administration of the FLEX or the SPEX and has not previously taken and failed to achieve a passing score on any portion of the FLEX or the SPEX.

C. A permit issued under this section shall expire, and thereby become null, void, and to no effect on that date that:

1. the board gives written notice to the permit holder that he has failed to achieve a passing score on the FLEX or the SPEX;

2. the board gives written notice to the permit holder pursuant to ' 383.C that it has probable cause to believe that he has engaged or attempted to engage in conduct which subverted or undermined the integrity of the examination process.

3. the permit holder is issued a license pursuant to ' 413.A or another type of permit as provided by ' ' 397 to 405 of this chapter; or

4. the holder of a permit issued under ' 407.B fails to appear for and take the FLEX or the SPEX examination for which he is registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 16:521 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996).

' 409. Visiting Foreign National Resident Permit

A. The board may, on a discretionary basis in individual cases, consider issuance of a restricted temporary institutional visiting foreign national resident permit to a qualified foreign national physician sponsored by this native government or medical school to participate in postgraduate medical study in the United States and thereafter return to his, provided that such foreign national physician:

1. is at least 21 years of age;

2. is a foreign national possessing a valid J-1 visa (United States citizen and aliens holding permanent resident status or a visa other than a J-1 are not eligible);

3. possesses a doctor of medicine or equivalent degree conferred by a medical school listed in the current edition of the *World Directory of Medical Schools* published by the World Health Organization;

4. has completed not less than three years of postgraduate medical training in the country in which the applicant had his or her medical education, such training having been continuous and progressive in the primary

specialty in which the applicant seeks to pursue further subspecialty training in Louisiana;

5. possesses an unrestricted license or certificate of registration to practice medicine in the country in which the applicant had his or her medical education, having fulfilled all educational requirements to practice medicine in such country;

6. possess a valid standard ECFMG certificate issued by the Educational Commission for Foreign Medical Graduates, having taken and successfully passed both the Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS) and the ECFMG English Test;

7. has entered into a binding agreement with his or her native country or with a medical school or college of such country, requiring the applicant's return to such country to practice medicine following conclusion of the program in which the applicant may participate in Louisiana; and

8. has received formal appointment by a Louisiana medical school, contingent on issuance of a visiting foreign national resident permit, to a postgraduate residency or fellowship program, accredited by the Accreditation Council for Graduate Medical Education (ACGME) in a subspecialty of the applicant's primary specialty.

B. Application for a visiting foreign national resident permit must be made on an application form supplied by the board, accompanied by documentation of the applicant's satisfaction of the criteria for eligibility and a nonrefundable application processing fee of \$200.

C. An application form will be supplied by the board only after criteria specified by ' 409.A.7-8 have been documented in the following manner:

1. Satisfaction of ' 409.A.7 must be documented by an original letter or other instrument:

a. signed by the ministry of health of the applicant's country of origin, endorsing the applicant's participation in postgraduate medical training in the United States and certifying that there exists a specific need in such country for physicians with the type of training in which the applicant seeks to participate in Louisiana; or

b. signed by the dean or other academic head of a medical school of the applicant's country of origin, endorsing the applicant's participation in the intended postgraduate medical training program in Louisiana and certifying that the applicant will, upon return to his native country, be appointed to a full time faculty position at such medical school.

2. Satisfaction of ' 409.A.8 must be documented by an original letter, signed by the director of the postgraduate training program and co-signed by the dean of the Louisiana medical school at which the applicant will study, certifying that the applicant has been accepted and appointed to residency or fellowship training at such medical school in a subspecialty of the applicant's primary medical specialty and specifying the term of such appointment, not to exceed 24 months. Such letter must be mailed directly to the board by the medical school.

D. Upon submission of a completed application form, an applicant must make a personal appearance, by appointment, before a member of the board and then present the following documentation evidencing satisfaction of criteria ' 409.A.2-6:

1. an original, valid J-1 visa;

2. the original, or certified copy, of the applicant's doctor of medicine or equivalent degree, together with a certified translation thereof if the original is not in English;

3. an original diploma, certificate, or other instrument signed by the dean of the medical school at which the applicant completed his or her primary specialty residency, certifying the applicant's successful completion of such program and its inclusive dates;

4. the original, or certified copy, of the applicant's license or certificate of registration to practice medicine in his or her native country; and

5. an original, valid standard ECFMG certificate.

E. The following conditions and restrictions apply to the board's consideration and issuance of any visiting foreign national resident permit:

1. Notwithstanding an applicant's eligibility for a visiting foreign national resident permit under the criteria set forth hereinabove, the board may nonetheless deny issuance of such a permit for any of the causes for which it may deny medical licensure under R.S. 37:1285, or in other instances in which it determines that the application is inconsistent with the purpose and intent of the visiting resident permit program.

2. A visiting foreign national resident permit does not authorize the holder to engage in any manner in the practice of medicine in Louisiana other than at the medical institution and within the scope of the training program designated by the permit.

3. A visiting foreign national permit expires on the last day of the year in which it is issued and must be

renewed in the manner that unrestricted medical licenses are renewed. A visiting resident permit may be renewed and continued in force for a maximum of 24 months from the date of its original issuance.

4. Medical training received in Louisiana pursuant to a visiting foreign national resident permit will not qualify as postgraduate training for purposes of qualifying a foreign medical graduate for unrestricted medical licensure.

5. A visiting foreign national resident permit shall be automatically revoked, and become null and void, effective on any date that:

- a. the permittee's appointment to the designated Louisiana training program is terminated; or
- b. the permittee's J-1 visa is invalidated or expires or another immigrant status is applied for or obtained.

6. Upon prior notice and an opportunity to be heard, a visiting foreign national resident permit may be revoked by the board:

- a. for any of the causes specified by R.S. 37:1285(A);
- b. upon a finding by the board that the permittee has failed to maintain, or did not possess at the time of application, any of the criteria for eligibility specified hereinabove; or
- c. upon a finding by the board that the permittee has exceeded the scope of authority accorded by the visiting foreign national resident permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:522 (June 1990), repealed LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996).

' 411. Graduate Education Temporary Permit

A. In General. The board may issue a Graduate Education Temporary Permit (GETP) to an international medical graduate (a graduate of a medical school located outside of the United States, Canada, and Puerto Rico) for the purpose of enrolling and participating in an accredited program of postgraduate medical education (residency or fellowship) at a Louisiana medical school, college, or other accredited medical institution, upon documentation of the qualifications, satisfaction of the procedural requirements and compliance with the conditions and limitations prescribed by this section.

B. Qualifications for Permit. To be eligible for a GETP, an international medical graduate (IMG) shall:

1. be at least 21 years of age;
2. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the INS of the United States pursuant to the Immigration and Nationality Act and the commissioner's regulation thereunder, as evidenced by an exchange visitor (JB1), temporary worker (H-1B) or immigrant visa, or INS issued or approved work permit or by a pending application for such visa or permit;
3. be of good moral character, as defined by ' 303.A.3;
4. possess a doctor of medicine or equivalent degree duly issued and conferred by a medical school or college listed, at the time the degree was awarded, in the then-current edition of the *World Directory of Medical Schools* published by the World Health Organization; and
5. possess the standard certificate of the ECFMG; and
6. have received a written commitment from an accredited Louisiana medical school, college, or other accredited medical institution formally appointing the IMG to a postgraduate medical education training program which is conducted by such medical school, college, or other medical institution and which is fully accredited by (and not on probational status with) the ACGME, subject only to the board's issuance of a GETP to the applicant; and agreeing to furnish to the board the periodic reports required by ' 411.F.2-3.

C. Procedural Requirements. An application form will be supplied by the board only after the qualifications prescribed by ' 411.B.6 have been documented by an original letter, signed by the director of the postgraduate training program of the Louisiana medical school, college, or other accredited medical institution at which the IMG will train, certifying that the qualifications and conditions of such subsection have been met.

D. Restrictions and Limitations. An IMG holding a GETP issued by the board shall not participate in postgraduate medical training or engage in the practice of medicine within the state of Louisiana other than as follows:

1. During the 12 months following the effective date of an initial GETP, an IMG may participate in postgraduate medical training and engage in the practice of medicine solely at the principal location of the

sponsoring medical school, college, or medical institution and shall not participate in clinical rotations to or serve at institutions at any other location.

2. An IMG who is enrolled and participating in a first postgraduate year (PGY-1) medical education training program shall not assume independent responsibility for patient care or otherwise engage in the practice of medicine.

3. An IMG shall not engage in the practice of medicine, or participate in any postgraduate medical training program within the state of Louisiana, other than within the scope of the postgraduate medical training program for which such person has been approved by the board, nor other than at the medical school, college, or other accredited medical institution from which such IMG holds his or her appointment, or at medical facilities affiliated with such program.

4. An IMG holding a GETP shall be subject to supervision by the supervising physicians designated by the medical school, college, or medical institution at which the postgraduate medical education training program is conducted.

E. Term of Permit. Each GETP issued under this section shall expire on the last day of June in the year following the year in which it is issued. A GETP shall also expire, and automatically become null and void, effective on any date that the permittee's appointment to the designated postgraduate training program is terminated.

F. Renewal, Reissuance. A GETP which has expired may be renewed or reissued by the board for a successive one-year period, provided that:

1. not later than 24 months following the effective date of an initial GETP, permit holder has taken and successfully passed step 3 of the United States Medical Licensing Examination (USMLE);

2. not less than five months nor more than seven months following the effective date of an initial GETP, the director of the postgraduate program in which the permit holder is enrolled has submitted to the board written reports on the IMG's performance in such program, certifying to the board that the permit holder has performed successfully and competently in such postgraduate program;

3. not less than two months prior to the annual expiration of a GETP, the director of the postgraduate program in which the permit holder is enrolled has submitted to the board written reports on the IMG's performance in such program, certifying to the board that:

a. the permit holder has performed successfully and competently in such postgraduate program;

b. the medical school, college, or other medical institution will renew the IMG's appointment for an additional year; and

c. no grounds are known which would provide cause for the board to refuse to renew or to revoke the permit holder's GETP pursuant to ' 411.H hereof.

G. Causes for Refusal to Issue or Renew. Notwithstanding an IMG's eligibility for a GETP, or for renewal of a GETP, under the standards and criteria set forth in this section, the board may nonetheless deny issuance or renewal of a GETP for any of the causes for which it may deny licensure under R.S. 37:1285(A) or for which it may revoke a GETP pursuant to ' 411.H.

H. Causes for Revocation. Upon prior notice and an opportunity to be heard in accordance with the Louisiana Administrative Procedure Act, a GETP may be revoked by the board:

1. for any of the causes specified by R.S. 37:1285(A);

2. upon a finding by the board that the permittee has failed to maintain, or did not possess at the time of application, any of the qualifications requisite to eligibility for a GETP as prescribed by this section; or

3. upon a finding by the board that the permittee has exceeded the scope of authority accorded by the GETP or otherwise violated any of the conditions, restrictions, and limitations prescribed by ' 411.D hereof.

I. Effect of Revocation. An IMG whose GETP has been revoked by the board pursuant to ' 411.H shall not thereafter be eligible for a GETP or license to practice medicine in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A), R.S. 37:1270(B)(6) and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 21:467 (May 1995).

#### Subchapter I. License Issuance, Termination, Renewal and Reinstatement

##### ' 413. Issuance of License

A. If the qualifications, requirements, and procedures prescribed or incorporated by ' ' 311 to 313, ' ' 323 to 325, or ' 353 are met to the satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of medicine in the state of Louisiana.



B. A license issued under ' 311 of this chapter shall be issued by the board within 30 days following the reporting of the applicant's FLEX scores to the board. A license issued under any other section of this chapter shall be issued by the board within 15 days following the meeting of the board next following the date on which the applicant's application, evidencing all requisite qualifications, is completed in every respect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 16:523 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996).

' 415. Expiration of Licenses and Permits

A. Every license or permit issued by the board under this chapter, the expiration date of which is not stated thereon or provided by these rules, shall expire, and hereby become null, void, and to no effect, on the last day of the year in which such license or permit was issued.

B. Notwithstanding the provisions of ' 415.A, every license issued by the board under this chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of a properly completed application for renewal of a license, but not a permit, as provided by ' 417 of this chapter, shall operate to continue the expiring licensing in full force and effect pending issuance of the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 16:523 (June 1990), LR 22:212 (March [withdrawn LR 22:280 April 1996]), LR 24:1500 (August 1998).

' 417. Renewal of License

A. Every license issued by the board under this chapter shall be renewed annually on or before its date of expiration by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fee prescribed in Chapter 1 of these rules.

B. Notwithstanding the provisions of ' 417.A, every license issued by the board under this chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1280 and R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 16:523 (June 1990), LR 24:1500 (August 1998).

' 418. Reduced Renewal Fees for Certain Physicians

A. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. attained the age of 70 years;
2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and
3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee and consenting to revocation of any license renewed pursuant to this section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this section, continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

B. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. ceased to engage in the practice of medicine in any form in this state as a consequence of physical or mental disability;

2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and

3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee, including independent physician verification of the applicant's physical or mental disability, and consenting to revocation of any license renewed pursuant to this section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this section, engaged or sought to engage in any manner in the practice of medicine in this state or continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

C. A physician whose medical license is renewed pursuant to this section shall not thereafter engage or seek to engage in the active practice of medicine in this state or to prescribe, dispense, or administer controlled substances or other prescription medications except upon prior application to and approval by the board, which, in its discretion, as a condition to reinstatement of full licensure, may require that:

1. the physician take and successfully pass all or a designated portion of the FLEX or SPEX examination; and/or

2. the physician provide medical documentation satisfactory to the board that the physician is then physically and mentally capable of practicing medicine with reasonable skill and safety to patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1280 and R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:213 (March 1996), withdrawal LR 22:280 (April 1996).

' 419. Reinstatement of Expired License

A. A license which has expired may be reinstated by the board subject to the conditions and procedures hereinafter provided, provided that application for reinstatement is made within four years of the date of expiration. A physician whose license has lapsed and expired for a period in excess of four years or who is otherwise ineligible for reinstatement under this section may apply to the board for an initial original or reciprocal license pursuant to the applicable rules of this chapter.

B. With respect to an application for reinstatement made more than one year from the date on which the license expired, as a condition of reinstatement, the board may require:

1. that the applicant complete a statistical affidavit, upon a form supplied by the board, and provide the board with a recent photograph;

2. that the applicant possess a current, unrestricted license issued by another state; and/or

3. if the applicant does not at the time of the application possess a current, unrestricted license issued by another state, that the applicant take and successfully pass all or a designated portion of the FLEX or SPEX examination.

C. An applicant whose medical license has been revoked, suspended, or placed on probation by the licensing authority of another state or who has voluntarily or involuntarily surrendered his medical license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the date on which his Louisiana medical license expired, shall be deemed ineligible for reinstatement of licensure.

D. An application for reinstatement of licensure meeting the requirements and conditions of this section may nonetheless be denied for any of the causes for which an application for original licensure may be refused by the board as specified in R.S. 37:1285.

E. An application for reinstatement shall be made upon forms supplied by the board and accompanied by two letters of character recommendation from reputable physicians of the former licensee's last professional location, together with the applicable renewal fee plus a penalty computed as follows:

1. If the application for reinstatement is made less than two years from the date of license expiration, the penalty shall be equal to the renewal fee.

2. If the application for reinstatement is made more than two years but less than three years from the date of license expiration, the penalty shall be equal to twice the renewal fee.

3. If the application for reinstatement is made more than three years from the date of license expiration, the penalty shall be equal to three times the renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 14:86 (February 1988), LR 16:524 (June 1990), LR 22:213 (March 1996),

withdrawal LR 22:280 (April 1996).

#### Subchapter J. Postgraduate Year One (Internship) Registration

##### ' 425. Necessity for Registration

A. As used in this section, *postgraduate year one (PGY-1)* or *internship* means the first year of postgraduate training following graduation from a medical school or college, or a school of osteopathy approved by the board. For purposes of this section PGY-1 includes only the first year of any such training following graduation from a medical or osteopathic school or college and does not include training which may be designated PGY-1 level subsequent to prior training at such level in any specialty, field, or program.

B. No person who does not possess a license or permit issued under this chapter shall enroll or participate in a PGY-1 medical educational program, or internship, unless he is duly registered with the board pursuant to this subchapter.

C. Notwithstanding registration under this subchapter, no person who does not possess a license or permit issued under this chapter shall enroll or participate in a first year postgraduate medical educational program, an internship, or any other program howsoever designated or whenever taken, which permits or requires such persons to exercise independent medical judgment, assume independent responsibility for patient care, or otherwise to engage in the practice of medicine.

D. Upon a finding that a person or registrant has violated the proscriptions of this section, the board may:

1. suspend or revoke such person's registration under this subchapter or impose probationary conditions thereon;
2. consider and declare such person or registrant ineligible for a medical license or permit under this chapter; or
3. cause institution or judicial proceedings against such person for injunctive relief, costs, and attorneys fees, pursuant to R.S. 37:1286.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 16:524 (June 1990), LR 22:214 (March 1996), withdrawal LR 22:280 (April 1996).

##### ' 427. Qualifications for Registration

A. To be eligible for registration under the subchapter, an applicant shall possess all of the substantive qualifications for licensure specified by ' 311.A.1-4 and shall be a graduate of an approved American or Canadian medical school or college or school of osteopathic medicine.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for registration shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:915 (November 1984), amended LR 16:524 (June 1996).

##### ' 429. Procedural Requirements

A. In addition to the substantive qualifications specified in ' 427, to be eligible for registration under this subchapter, an applicant shall:

1. submit to the board a completed application, upon forms supplied by the board, subscribed by the applicant and by the administrator or chief executive officer of the hospital or medical institution in which the postgraduate program is to be conducted, accompanied by a recent photograph of the applicant;
2. make a personal appearance, by appointment, before a member of the board or its designee, or at the office of the board before its designated officer, and present evidence of the qualifications specified by ' 427; provided, however, that an applicant who has completed his medical or osteopathic education but who does not yet possess a degree as required by ' 311.A.4 may be deemed eligible for registration upon submission to the board of a letter subscribed by the dean of an approved medical school or college or of an approved school or college of osteopathy, certifying that the applicant has completed his academic, medical, or osteopathic education at such school or college, that the applicant is a candidate for the degree of doctor of medicine or doctor of osteopathy at the next scheduled convocation of such school or college, and specifying the date on which such degree will be awarded; and

3. pay the applicable registration fee, as provided in Chapter 1 of these rules.

B. All documents required to be submitted to the board must be the original thereof. For good cause shown,

the board may waive or modify this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:915 (November 1984), amended LR 16:525 (June 1990).

' 431. Issuance of Registration

If the qualifications, requirements, and procedures prescribed or incorporated by ' ' 429 to 431 are met to the satisfaction of the board, the board shall issue a certificate to the applicant evidencing his registration under this subchapter for enrollment and participation in a first year postgraduate (internship) program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 10:915 (November 1984), amended LR 16:525 (June 1990), LR 22:214 (March 1996), withdrawal LR 22:280 (April 1996).